

Remarks

Reconsideration of the rejections is respectfully requested.

Claims 2-3, 6, 7, 9, 10, 14-15, 18, 20-22, 26, 29-31 and 33-37 were pending and examined. Claims 1-3, 6, 7, 9, 10, 13-15, 18, 20-22, 26, and 29-37 were rejected in the above-identified Office Action. In response, Applicants have cancelled claims 1, 13 and 32 and have amended claims 2-3, 6, 7, 9, 10, 14-15, 18, 20-22, 26, 29-31 and 33-37. Applicants have added claims 44-46. All new claims and amendments are fully supported by the original disclosure and no new matter is added.

Preliminary Comments

Applicants have added claims 44-46 and cancelled independent claims 1, 13 and 32. Claim 44 corresponds to cancelled claim 1, claim 45 corresponds to cancelled claim 13, and claim 46 corresponds to former claim 32. All claims that previously depended from the cancelled independent claims have been amended to depend instead from the corresponding new claims.

Claim Rejections - 35 USC §102

On page 7 item 2 of the above-identified Office Action, the Examiner rejected claims 1-3, 6, 7, 9, 10, 13-15, 18, 20-22, 26, and 29-37 under 35 U.S.C. § 102(e) as being anticipated by US Patent No. 6,240,555 issued to *Shoff et al.* (hereinafter "Shoff").

Applicants thank the Examiner for providing a detailed response to previous arguments. While Applicants respectfully disagree with these rejections as described in previous responses and without agreeing that Shoff is eligible prior art, claims 1, 13, and 32 have nonetheless been cancelled (without prejudice) and new claims 44-46 added in the interest of furthering prosecution of the pending claims. Support for new claims 44-46 may be found at least in paragraphs [0018], [0022], [0027]-[0030], [0040]-[0043], [0045], Figure 1 and Figure 2.

As described above, claims 44, 45 and 46 correspond to cancelled claims 1, 13 and 32, respectively. The cancellation of claims 1, 13 and 32 obviates the rejections as to those claims. However, the rejections are addressed below in reference to the corresponding new claims.

New claim 44 recites a method that includes among other things, “receiving, at a subsidiary data control, a plurality of portions of subsidiary data from an external source for storing at a storage, the portions including respective time values corresponding to times within a duration of a video content program encoded by primary content data, the time values identifying respective portions of subsidiary data as being associated with corresponding time segments of the primary content data, the primary content data to be displayed over a plurality of time segments and the subsidiary data being received separately from the primary data”, “transmitting, by the subsidiary data control, a representation of a user interface to a display device, wherein the user interface is configured to facilitate accessing the storage, identifying a portion of the subsidiary data, and retrieving the identified portion”, and “generating, by the subsidiary data control, an output signal that causes the display device to present visually the identified portion of the subsidiary data, the identified portion being received and retrieved independently of receiving the primary content data.”

In contrast, Shoff teaches an interactive entertainment system to enable presentation of supplemental content “along side traditional broadcast video pr[og]rams” such as television shows. First a user tunes to a particular channel, then the viewer computing unit checks an electronic programming guide to determine whether the present program showing on the channel is interactive. If it is, the computing unit launches a browser, the browser activates a target specification stored in the electronic programming guide, and data from the target resource is downloaded with instructions for displaying the supplemental content **concurrently** with the video content (see Fig. 6, Fig. 7, Fig. 8c, Abstract).

Additionally, Shoff merely discloses that the EPG 104 (see Fig. 5) supports a displayable user interface (UI) which visually correlates programs titles to scheduled

viewing times and tuning information, such as a channel, in a scrollable grid format (col. 8, lines 41-44). In fact, Shoff discloses that a viewer may know that the program is interactive compatible *by checking a newspaper listing or other program guide* (i.e., the viewer would not know this from the user interface of the EPG; col. 9, lines 30-35). Alternatively, the viewer computing unit displays an icon or other indicial to inform the viewer that the program is interactive compatible (col. 9, lines 35-40). The only content that the user is able to access is the content that corresponds to the currently-viewed programming.

Further, Shoff teaches that the computing unit of the viewer identifies and retrieves interactive content based on the currently-tuned program, synchronizing and displaying the interactive content with the primary content. While Shoff discloses several ways for a viewer to initiate viewing of supplemental content, all require tuning to the primary content as a preliminary to viewing the subsidiary data, and the subsidiary data is displayed concurrently with the primary content data in the layout specified by the target resource (see e.g. col. 10, lines 1-58; Fig. 8c; see also col. 12, lines 26-34 – “By embedding the display layout instructions within the digital data provided by a target resource, the developer is empowered to create both the content and the presentation format of how the content and broadcast program are displayed to the viewer....”).

Thus, Shoff does not teach or suggest the amended recitations of “receiving ...,” “transmitting ...” and “generating ...” Since Shoff fails to disclose, expressly or inherently, at least one recited feature of claim 44, Applicants respectfully submit that Shoff fails to support a rejection of claim 44 under §102.

Claims 45 and 46 recite features similar to those of claim 44, and are directed to a corresponding article and system, respectively. Thus, the comments directed above to claim 44 apply generally to claims 45 and 46.

Claims 2, 3, 6, 7, 9, 10, 14, 15, 18, 20-22, 26, 29-31, and 33-37 depend from claims 44, 45 or 46, incorporating their recitations. Accordingly, the comments directed above to claims 44, 45 and 46 apply generally to claims 2, 3, 6, 7, 9, 10, 14, 15, 18, 20-

22, 26, 29-31, and 33-37. Applicants respectfully request reconsideration and withdrawal of all rejections.

Conclusion

In view of the foregoing, reconsideration and allowance of all pending claims is respectfully solicited. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,
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